

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**WILLIAM WARD,**

Plaintiff,

V.

**DONALD HULICK, et al.,**

Defendants.

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Civil No. **09-08-GPM**

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff Ward's "Motion to Subpoena Discovery," whereby he requests the Court to order Menard Correctional Center to turnover his medical records for use in the above-captioned case. (**Doc. 23**).

Defendant Reed has filed a motion challenging whether plaintiff exhausted administrative remedies prior to filing suit, as required by 42 U.S.C. § 1997e(a). (**Doc. 26**). In accordance with the Trial Practice Schedule previously entered by the Court (**Doc. 22**) and *Pavey v. Conley*, 544 F.3d 739, 742 (7<sup>th</sup> Cir. 2008), discovery regarding the merits of the case is deferred until after the exhaustion issue is determined by the Court.

**IT IS THEREFORE ORDERED** that plaintiff's "Motion to Subpoena Discovery" (**Doc. 23**) is **DENIED** as premature.

**IT IS SO ORDERED.**

**DATED: May 5, 2010**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**